

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

POLICY 98-01

(Adopted June 24, 1998)
(Amended September 16, 1998)

NOTIFICATION OF BOARD ACTION TO EMPLOYERS, AFFILIATIONS AND OTHER HEALTH CARE INSTITUTIONS

When the Board takes disciplinary action against a licensee (a Respondent), or when the Board enters into a private Letter of Agreement with a licensee, the Board has an interest in assuring that various interested parties, such as the health care facilities at which the physician practices, are informed of the action taken. The Board accomplishes this goal by including an order in its final decision, by requiring as a condition of its agreement that the licensee provide notification, or by sending notice itself. This policy statement establishes some definitions, and outlines the procedures by which notice is given.

NOTIFICATIONS REQUIRED TO BE GIVEN BY RESPONDENTS AND LICENSEES

1. Categorization of Board actions

- A. Static Actions – Actions imposed by the Board at a point in time, including reprimand, censure, admonishment, and fine.
- B. Continuing Actions – Actions imposed by the Board that affect a physician's practice on an ongoing basis or for a discrete period of time, including revocation, suspension (including stayed suspension), probation, restriction and monitoring.

2. Time periods for which notification should apply

- A. Static Actions – Notice should be given to all Designated Entities in existence at the time of imposition of the action and any such new entities for one year following imposition of Board action.
- B. Continuing Action – Notice should be given to all Designated Entities for the duration of the sanction or condition.

3. Medical/Non-medical

- A. Respondents subject to Board sanction and licensees subject to Letters of Agreement are required to notify all Designated Entities for whom or at which they practice medicine.
- B. Respondents subject to Board sanction and other affected licensees are required to notify “medical employers,” even if they are not practicing medicine for such employers. “Medical employers” are defined as those employers who provide medical services or medical education.
- C. Respondents subject to Board sanction and other affected licensees are not required to notify non-medical employers for whom they are not practicing medicine.

4. Designated Entities

Respondents subject to Board sanction and licensees subject to Letters of Agreement shall notify the following entities:

- Hospitals
- Nursing homes, clinics, other licensed facilities
- Municipal, state and federal facilities at which physician practices medicine
- State agencies with which Respondent has a provider contract (e.g., DMA)

5. Out-of-State Notifications

Respondents and other affected licensees are required to notify Designated Entities out-of-state for the requisite periods of time.

As an exception to this rule, Respondents who have been disciplined based on out-of-state discipline **and** who are working out-of-state **and** who have out-of-state probation agreements (i.e., must petition the Board before practicing in-state) need not notify out-of-state entities.

6. Licensing Boards

Respondents subject to Board sanction and other affected licensees are required to notify the state licensing boards of all states in which they have any kind of license.

Currently, state licensing boards receive notice of final board actions (but not Letters of Agreement) through a monthly distribution by the Federation of State Medical Boards of a list of actions.

7. Board Authority to Notify Designated Entities Reserved

The Board expressly reserves the authority to independently notify, at any time, any of the above entities, or any other affected entity, of any action it has taken.

NOTIFICATIONS UNDERTAKEN BY THE BOARD

1. Immediate Notification of Certain Actions: Summary Suspensions, Suspensions and Revocations

In the case of an action in which the physician is no longer entitled to practice as of the Board vote, the Board will notify by fax the next morning all in-state hospitals at which the physician has privileges, and all state licensing boards by which the physician is actively licensed.

2. Notification of Select Entities of Full Text of All Board Final Decisions

Copies of the full text of the final decision will be sent to:

- all state boards where the physician is or was licensed;
- all in-state hospitals where the physician currently has privileges; and
- individuals included on a mailing list for Board decisions approved by the Office of the General Counsel.

3. Notification of Certain Entities of Board Action

An abbreviated notice of the Board's disciplinary action will be sent to:

- all HMOs licensed by the Division of Insurance to do business in the Commonwealth; and
- government agencies included on a mailing list approved by the Office of the General Counsel.

4. Notification of Interested Parties and the Public

The Board will create a page on its website at which it will make available Board disciplinary actions taken over the past six months, arranged by Board meeting. The Board will also make available on its website a complete listing of its disciplinary actions over the past ten years.

When the Board's website is created, the Board will cease to maintain the existing "courtesy" mailing list by which any entity may receive monthly notices of Board actions without charge. Each of those entities on the list will be informed of the availability of the information on the Board's website. Interested parties may ask for information about actions taken at specific Board meetings by filing a request under the Public Records Law.